

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**Feb 04, 2025**

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

ALLSTATE VEHICLE AND  
PROPERTY INSURANCE  
COMPANY,

Plaintiff,

v.

JEREMY RICHARDSON,  
individually and as Guardian of D.R.,  
a minor; ANDY LOUIE and  
CHERYL LOUIE, a married couple,  
each individually and their marital  
community comprised thereof,

Defendant.

NO. 2:24-cv-00308-RLP

ORDER GRANTING DEFENDANT  
RICHARDSON'S REQUEST FOR  
ADDITIONAL DISCOVERY AND  
DENYING PLAINTIFF'S  
SUMMARY JUDGMENT MOTION  
WITH LEAVE TO RENEW

BEFORE THE COURT, without oral argument, are Plaintiff Allstate  
Vehicle and Property Insurance Company's ("Allstate") Motion for Summary  
Judgment, ECF No. 28, Defendant Jeremy Richardson's FRCP 56(d) request for a  
continuance, ECF No. 40 at 15-18, and Plaintiff Allstate's Motion to Strike, ECF  
No. 44. The Court has reviewed the parties' submissions with respect to the

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1 motions, the record, the relevant law, and is fully informed. *See* ECFs No. 28-31;  
2 40-45. Defendant Richardson's request for a FRCP 56(d) continuance is  
3 **GRANTED**. Plaintiff Allstate's Motion for Summary Judgment is **DENIED with**  
4 **leave to renew**. Plaintiff Allstate's Motion to Strike is **DENIED** as moot.

### 5 BACKGROUND

6 In February of 2024, Defendant Jeremy Richardson, through his business  
7 entity Endless Seas, LLC, purchased property in Sprague, Washington from  
8 Defendants Andy and Cheryl Louise. ECF No. 31-1 at 6. After the purchase,  
9 Defendant Richardson successfully applied for a homeowner's insurance policy  
10 from Plaintiff Allstate. ECF No. 40-2 at 1. In his application, Defendant  
11 Richardson represented himself as the owner of the property, and that no business  
12 activity occurred on the property. ECF No. 29 at 15-20. Over the night of March  
13 21-22, 2024, the home on Defendant Richardson's property burned in a fire, and  
14 Defendant Richardson made a claim with his insurer, Plaintiff Allstate. ECF No. 8  
15 at 8.

16 Plaintiff Allstate filed the instant action for declaratory relief on September  
17 16, 2024. ECF No. 1. Plaintiff Allstate claims Defendant Richardson's insurance  
18 policy is void because he made knowing material misrepresentations on his  
19 application with regards to the ownership of, and presence of business activity on,  
20 the property. ECF No. 1. In his answer, Defendant Richardson asserted

1 counterclaims for breach of contract, and under Washington’s Insurance Fair  
2 Conduct Act, RCW 48.30.015. ECF No. 20 at 3-4.

3 Plaintiff Allstate filed the instant Motion for Summary Judgment on  
4 December 11, 2024. ECF No. 28. In response, Defendant Richardson requests a  
5 FRC 56(d) continuance to permit additional discovery to occur. ECF No. 40 at 15-  
6 18. As of January 10, 2025, the only discovery completed was the parties’ initial  
7 disclosures, and a set of written discovery directed to Plaintiff Allstate by  
8 Defendant Richardson. ECF 40-3 at 2. Plaintiff Allstate also moves to strike the  
9 Declaration of Andy Louie and Cheryl Louie filed in support of Defendant  
10 Richardson’s response. ECF No. 44.

### 11 LEGAL STANDARD

12 Summary judgment is appropriate “if the movant shows that there is no  
13 genuine dispute as to any material fact and the movant is entitled to judgment as a  
14 matter of law.” FRCP 56(a). Federal Rule of Civil Procedure 56(d) states that in  
15 the face of a motion for summary judgment, a non-movant may request that the  
16 Court “defer considering the motion” or “allow time to . . . take discovery”  
17 necessary to establish an opposition to summary judgment. Rule 56(d) motions  
18 should be granted freely. *Burlington N. Santa Fe R.R. v. Assiniboine & Sioux*  
19 *Tribes of the Fort Peck Reservation*, 323 F.3d 767, 773-74 (9th Cir. 2003). Indeed,  
20 such motions “should be granted almost as a matter of course unless the non-

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1 moving party has not diligently pursued discovery of the evidence.” *Id.*

2 “To prevail on a request for additional discovery under Rule 56(d), a party  
3 must show that ‘(1) it has set forth in affidavit form the specific facts it hopes to  
4 elicit from further discovery; (2) the facts sought exist; and (3) the sought-after  
5 facts are essential to oppose summary judgment.’ ” *Midbrook Flowerbulbs*  
6 *Holland B.V. v. Holland Am. Bulb Farms, Inc.*, 874 F.3d 604, 619–20 (9th Cir.  
7 2017) (quoting *Family Home & Fin. Ctr., Inc. v. Fed. Home Loan Mortg. Corp.*,  
8 525 F.3d 822, 827 (9th Cir. 2008)).

## 9 DISCUSSION

10 This case is still young. Plaintiff Allstate filed its Motion for Summary  
11 Judgment only three months after filing suit. Defendant Richardson has already  
12 diligently pursued discovery by propounding a set of written discovery to Plaintiff  
13 Allstate. ECF 40-3 at 2. Defendant Richardson has shown via declaration he needs  
14 a continuance to pursue additional discovery. *See* ECF No. 40-3. Defendant  
15 Richardson hopes to elicit facts about the tenants on the property, the  
16 communications between Defendant Richardson and Plaintiff Allstate, and into  
17 Plaintiff Allstate’s underwriting and insurance policy issuance policies and  
18 procedures. ECF No. 40-3 at 2-3. This discovery could conceivably lead to  
19 questions of fact as to whether Defendant Richardson made a misrepresentation,  
20 whether any misrepresentation was material, or made with an intent to deceive

1 Plaintiff Allstate. ECF No. 40-3 at 4. Thus, Defendant Richardson cannot currently  
2 present facts essential to justify his opposition to summary judgment. The Court  
3 finds good cause to grant Defendant Richardson's request for a continuance under  
4 FRC 56(d) to allow him to conduct the needed discovery. Plaintiff Allstate may  
5 renew<sup>1</sup> its Motion for Summary Judgment after additional discovery is conducted.

6 As the Court grants Defendant Richardson's request for a FCRP 56(d)  
7 continuance, Plaintiff Allstate's motion to strike, ECF No. 44, is moot. The Court  
8 therefore denies the motion.

9 **ACCORDINGLY, IT IS HEREBY ORDERED:**

- 10 1. Defendant Richardson's FRCP 56(d) request for a continuance, ECF No.  
11 ECF No. 40 at 15-18, is **GRANTED**.
- 12 2. Plaintiff Allstate's Motion for Summary Judgment, ECF No. 28, is  
13 **DENIED with leave to renew**.
- 14 3. Plaintiff Allstate's Motion to Strike, ECF No. 44, is **DENIED** as moot.

15 DATED February 4, 2025.

16 

17 REBECCA L. PENNELL  
18 United States District Judge

19 <sup>1</sup> The Court notes that Plaintiff Allstate failed to follow LCivR 56(c)(1)(A)  
20 by omitting a "Statement of Material Facts Not in Dispute" in conjunction with its  
Motion for Summary Judgment. Should Plaintiff Allstate renew its motion, the  
Court directs it to comply with the local rules.